APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/749,721	/ /	MCGREGOR	D 12765

LM02/ 218

RICHARD ESTY PETERSON
BIELEN PETERSON & LAMPE
SUITE 720
1990 N CALIFORNIA BOULEVARD
WALNUT CREEK CA 94596

EXAMINER
GESESSE, T

ART UNIT	PAPER NUMBER
2746	15

DATE MAILED:

02/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on *Nov 9, 1999* _____ .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____*3*_____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-75* _____ is/are pending in the application.

Of the above, claim(s) *13, 15, and 17* _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-12, 14, 16, and 18-75* _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ____*12*____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Allowable Subject Matter

1.   The indicated allowability of claims 1-28 is withdrawn in view of the newly discovered

reference(s) to reject the claim invention. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 1-12,14,16,18-49 and 57-75 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Anritsu , 031 in view of Ortiz et al .

Claims 13, 15 and 17, have been cancelled by the applicant.

As per claims 1,3,5-6, 8-12,16,18-28,30-35,41. Anritsu' 031 discloses a portable telephone handset(10) "a debit phone" with a system provider having a host processor that maintains accounts(a designated agency, which will update the call charge unit information , see page.7 line 22) for use of mobile phone units(reactivated by paying call chargees at a designed agency, see col.7 lines 21-22), a mobile phone unit with internal accounting that internally calculates call charges(a completion detection means to detect the fact that calls, which are initiated by said portable telephone handset, are carried out for the amount, based on billing signals, which are received by said radio wave transmission-reception means during a call initiated by said portable telephone handset, see page. 3 lines 21-25) and decrements call charges from a debit account,(each time a billing signal is received, the value of the call charge units, which is stored in call charge unit information storage means 29, is deducted, see page 7 lines 6-7).

Anritsu' 031 discloses communication means (20 radio wave transmission-reception section) in the portable telephone handset 10 for wireless communication in the phone network(exchange machine) see page 7 line 30 and page 8 line 1.

Anritsu discloses internal processing means in the mobile phone unit including a processor , clock and memory for processing calls and call charges(call charge unit management section 28 manages the call charge units, which are the value-holding information. Completion detection means 30 comprises deduction means 31 and call charge unit detection means 32, see page 5 lines 17-30 and page 8 line 17).

Anritus inherently discloses program retained in the memory of the mobile phone unit.

And Anritsu discloses rate data and a complex billing algorithm with a multiple factor accounting

protocol for classifying calls (a billing rate table in which rates are based on the regions and a

clock can be prepared in a portable telephone handset and can perform the same billing

registration and calculation processes when billing signals were received , see page 8 lines 17-19)

Anritsu fails to disclose the basic categories of local calls, long distance calls, international

calls and roaming calls. However, Ortiz et al disclose the hand-set 11 has software controlled ,

full feature mobile phone add on which a metering device for worldwide use which shows , in

local currency, the amount of money due to the owner or operator of the autonomous pay

telephone arrangement for call made from the mobile unit 13 attached to the arrangement 11. It is

designed to meter calls which may be local, long-distance , international , incoming or outgoing;

see col.15 lines 4-17 and local and long distance rate tables are downloaded from the external

computer via port 25 so that the arrangement 11 will accurately calculate charges according the

local rate table configuration . Also included in the billing schem is a roaming fee which can be

alterante to conform to the area's roaming requirements; see col 14 lines 59-65. Therefore, it

would have been obvious to one of ordinary skill in the art to modify Anritsu, in utilizing differnt

catagories to charge rate, as been disclosed by Ortiz, in order to configure the exact cost of the

particular call.

Anritsu discloses the portable telephone " the mobile phone unit" includes phone unit

identification means for verification by the system proiveder using the host processor that a phone

user account amount addable to the debit account of the identified phone unit has been prepaid(

this new sysem does not eliminate the complex billing registration and calculation processes at the

exchange machine "system provider" for each mobile handset identification number (ID code)see

page 3 lines 11-13.

Anritsu discloses locking means for preventing calls from the phone unit when the amount

in the bebit account is exhausted (a halting means to receive a detection signal from completion

detection means , and to halt at least the call initiation function of said portable telephone handset;

see col.3 lines 226-27. Further see page 7 lines 8-14.

As per claims 2 and 4, Anritsu disclose means for storing call charges as record data in the

memory (a value-holding information storage means (29) to store certain value-holding

information in advance, see page 3 lines 18-19); means for receiving an increase in the amount of

the debit account in the mobile phone unit during a communication session with the host

processor (a disabled portable telephone handset can be reactivated by paying call charges at a

designated agency, see page 7 lines 11-12).

As per claim 7. Anritsu fails to disclose the mobile phone unit has paging means for

establishing a communication session with the host processor when the phone unit is deactivated.

However, any handset has the capability of sending a control signal to home base sation .

Therefore, it would have been obvious to one of ordinary skill in the art to page a base using any

apparatus in the wireless industry, in order to control (set up)connection with the portable unit

before voice communication initaited.

As per claims 14,40,47 Anritsu discloses the mobile phone unit includes a visual display

and the program means generating a visual display of the current amount of the debit account in

the visual display (display means 33 displays the called party's dial number and the call charge unit

information, which is stored in call charge unit information storage means 29, on display device

13. The call charge unit information is displayed as the balance of the call charge unit, see page 6

lines 3-5).

As per claims 29,36-38,42-43,45-46,48-49,57-69,70-75. Anritsu disclose a debit

telephone system, see page 2 lines 3-5 comprising:

Anritsu discloses a plurality of cordless hand-held mobile telephone units, wherein each of

said hand-held mobile telephne unit includes a processor , memory(40) and internal accounting

software (a portable telephone handset is allowed for user or sold in exchange for a payment

including the payment for the certain value-holding information, the call charge processes (billing

registration(record) and calculation) become unnecessory at an exchange station, see page 8 lines

26-28). From this disclosure it is clear that the portable telephone has processing , storing and

accounting operation, are performed by the portable telephone. Anritsu fails to disclose

accounting software. However, Ortiz et al disclose the CPU control board 9 is provided with a

computer access port 25 for connecting the CPU control board 9 to a pluggable outboard PC

computer which permits, through use of various passwords, programming of all programmable

parameters such as bill rate and tafiffs as well as appropriate access to charge and accounting

information; see col.13 lines 38-44. Therefore, it would have been obvious to one of ordinary

skill in the art to modify Ishizimi, in teaching programming of all programmable parameters

"software", as per the disclosure of Ortiz, in order to convert the data to valuable (usefull)

information.

Anritsu discloses a debit account with a repreentation of prepaid funds (call charge unit

management section 28, see page 8 lines 4-5), a plurality of charge rates and a billing algorithm

which classifies each telephone call into one of a plurality of billing catagories (a billing rate table

in which rates are based on the regions and a clock can be prepaid; see page 8 lines 17-18), selects

a charge rate correspoding to that billing catagory, calculates an appropriate charge for that

telephone call in real time by using said selected charge rate and subtracts this appropriate charge

from said debit account(a portable telephone handset can perform the same billing

registration(record) and calculation processes as those when billing signals were received, see

page 8 lines 18-19).

Anritsu discloses a base station that is connected to an exchange station and a controller,

"system provider" having a" host processor" for coordinating (line- connected) of mobile phone

account; see page 2 lines 3-5, wherein said host processor stores(register) mobile telephone unit

information including mobile telephone unit identification information(ID code), operating codes

needed for mobile telephone unit activation and operating codes needed for replenishing mobile

telephone unit(this new system does not eliminate the complex billing registration and calculation

processes at the exchange machine for each mobile handset idenitification number (ID code),see

page 3 lines 10-12) and (furthermore, a disable portable telephone handset can be reactivated by

paying call charges at a designated agency, which will update the call charge unit information and recarge the battery. The usage is enable for the amount paid., see page 7 lines18-20).

As per claim 39, Anritsu discloses calls are prevented from being made when the debit account has a zero balance; see page 7 lines 8-11.

As per claim 44, Anritsu disclose the user enters the operating codes into the mobile phone unit by manually punching keys on the mobile unit;

4.   Claims 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anritsu' 031 in view of Hillis.

As per claim 50- 56. Anritsu discloses an internal accounting program "software" (call charge unit management section 28 manages the call charge unit, which are the value-holding information "prepaid" the amount of payment that is made when a user buys or rents the portable handset, is stored 28 and deduction means 31 deducts 1 each time a billing signal is received from the base station (provider host processor) duing a call; see page 5 lines 12-16). Anritsu differs in disclosing selecting a charge rate according to that billing category, based on real time. However, Hillis discloses a commonication system service billing arrangement is adapts to system loading in realtime and , the system determines the location of the ISUs and the current loading there between and calculates a calling rate is sent based on the current loading whose operate can choose to connect based on the current realtime variable rate; see abstract. Therefore, it would have been obvious to one of ordinary skill in the art to modify Anritsu, in choosing a charge rate,

as per disclosure of Hillis, in order to have the right of the user to decide , whether to reject the rate or accept it.

Anritsu fails to explicitly disclose the software for a system provider's host processor. However , Hillis disclose ISU 15 communicates the desired connection number to telephone system (30)"host processor" computes the calling rate , comprising utilization analyzer 31 , billing computer 32 , routing system and location tracking 34 and separate defined hardware modules or as functions created by software programming for general or special purpose computer or combination; see col. 5 lines 36-43. Therfore, it would have been obvious to one of ordinary skill in the art to modify Anritsu, in utilizing softeware , as per disclosure of Hillis , in order to coordianate , the operation of the telephone system.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Barnes' (GB 2265522) discloses a "pre-paid" system where " new credit is loaded into the

handset" remotely via the "over-the -air" mechanism when the pre-paid units have been

exhausted, (p.9, lines 30-34).

Anritsu '229 disclose a rental fee for a certain number of call charge units can be collected

in advance "pre-paid", and a portable telephone handset is designed so that it can not be used

once the prepaid call charge unit are depleted.

In such a case, a call charge unit deduction means can be provided in which , for example,

100 call charge units are stored as an initial value. Each time it receives a call charge unit signal,

the call charge unit deduction means reduces the amount of available call charge unit. The balance

of the call charge unit is displayed . When the balance becomees zero , the call function (call

initiateion function) stop. See page 7, lines 10-17.

Any response to this action should be mailed to:

> *Commissioner of Patents and Trademarks*
>
> *Washington, D.C. 20231*

> *or faxed to:*

>> *(703) 308-9051, (for formal communications intended for entry)*

> *Or:*

>> *(703) 305-9508 (for informal or draft communications, please*
>>
>> *label "PROPOSED" or "DRAFT")*

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-

5873.. The examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00

pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang, can be reached on (703) 305-4895 The fax phone number for this

Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is (703)

305-3900.

Feb.7, 2000

Tilahun Gesesse

EDWARD F. URBAN
PRIMARY EXAMINER